HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION (M) NO.80 OF 2005.
IN
FAMILY COURT APPEAL NO. 23 OF 2005.

Shri. Hemant P. Rege. ..Applicant.

Versus.

Mrs. Sujata H. Rege. ..Respondent.

Smt. Seema Sarnaik for the applicant.

Mr. R.S.Apte with A.A.Garge for the respondent.

CORAM: S.B.MHASE &
D.B.BHOSALE, JJ.

DATE: APRIL 11, 2005.

P.C.

1. Heard both sides.

2. Paragraph No.24 of the impugned judgment dated 6.7.2004 reads as under:

> " So far as the question of various investments are concerned, details of which are given in Exhibits 116, 117 & 188, the investments would continue as such as they have been made in the name of the children and is obviously for their welfare and well being. The parents have been shown as the guardian in all these investments and at the time of the maturity the concerned authorities with whom these investments are made, should not encash the payment unless due permission of the Court by either of the parents. An intimation to that effect should be made to the concerned authorities . The lists Exhibits 116 & 117 would form part and parcel of the decree."

. From this paragraph it is crystal clear that the

Family Court has given directions that both parents are guardians in respect of the investments to be made in the name of "Yashodhan", the minor son, and these investments were not to be encashed unless the permission from the Court is obtained by either of the parents. Therefore, the desired effect is that all the investments whenever they become mature, both the parents have an obligation to make further investments in the name of minor - Yashodhan and no party individually is entitled to encash it. Therefore, orders which are otherwise passed by the Family court are not sustainable.

3. Both counsel have agreed that after maturity of the investments in Electronica Leasing Company, to invest the said amount with the Post Office in the name of son-Yashodhan. Therefore, we direct that the investments with Electronica Leasing Company made in the name of Yashodan shall be liquidated and this amount shall be invested in the Post Office. Husband and wife will approach the Post Office for that purpose with an intimation to each other.

Civil Application is disposed of accordingly.

(D.B.BHOSALE,J.) **(S.B.MHASE, J.)**

:srp/2005/